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PATENT  
Docket No. 28110/36120D

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Chadwick, *et al.*

Serial No: 09/905,589

Filed: July 13, 2001

For: METHODS AND  
COMPOSITIONS RELATING  
TO CD-39-LIKE  
POLYPEPTIDES AND  
NUCLEIC ACIDS

Examiner: Phuong N. Huynh

Group: 1644

CERTIFICATE OF MAILING  
UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop NO FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: March 3, 2004

Name of Person Signing: Donna B. Rose

Signature of Person Signing

## DECLARATION OF WALTER FUNK, Ph.D., UNDER 37 C.F.R. § 1.131

Mail Stop NO FEE AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Walter Funk, Ph.D., hereby declare as follows that:

1. I received a doctoral degree in Biochemistry from the University of British Columbia. Since receiving my Ph.D., I have been employed by Geron Corp. and Nuvelo, Inc. as a scientist and manager in the area of Molecular Biology and Genomics. I am currently an officer of Nuvelo, Inc. holding the position of Vice President of Research.

2. I have reviewed the specification of the above-identified application and make statements in this declaration to address the invention of the CD39L2 polypeptide of SEQ ID NO: 2 described and claimed in the specification of the above-identified application.

3. The invention of the instant application was assigned to Hyseq, Inc. (now Nuvelo, Inc.) in the parent application (09/240,639 now U.S. Patent 6,350,447), and all of the subject matter of the instant application is contained within U.S. Patent 6,350,447.

4. The CD39L2 polypeptide of SEQ ID NO: 2 claimed in the instant application was first invented by the inventors of the instant application (Chadwick and Frischauf) in a journal article which was made public June 15, 1998 [Chadwick and Frischauf, *Genomics* 50:357-367 (1998)] and is herein presented as Exhibit 1.

5. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Date: Mar 3, 2004

A handwritten signature in black ink, appearing to read 'Walter Funk', is written over a horizontal line.

Walter Funk, Ph.D.